



House of Representatives

General Assembly

File No. 248

February Session, 2018

Substitute House Bill No. 5359

House of Representatives, April 5, 2018

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SHELLFISH LEASES AND DESIGNATED SHELLFISH PARCELS FOR THE DEVELOPMENT OF AN ENVIRONMENTAL EDUCATION CURRICULUM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 26-194 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (a) Except as provided in subsection (e) of this section, the
5 Commissioner of Agriculture may lease in the name of the state, under
6 such regulations as the commissioner [may prescribe] shall adopt, in
7 accordance with the provisions of chapter 54, and for a period not
8 longer than ten years, all shellfish areas that have been conveyed to the
9 state or placed under state jurisdiction by the town of West Haven and
10 any undesignated grounds, within the exclusive jurisdiction of the
11 state, for the purpose of planting and cultivating shellfish. The
12 authority herein conferred shall include the Cornell Reef, Portchester,
13 Great Captain's Island, Field Point and Greenwich Point natural beds

14 as located and described in section 3295 of the general statutes,
15 revision of 1918. Any person desiring to lease grounds for such
16 purpose shall make application in writing to the commissioner and all
17 grounds leased by authority of the provisions of this section shall be
18 leased to the highest responsible bidder, for a minimum fee of four
19 dollars per acre. Such lease or lease renewal shall require the lessee to
20 make a good faith effort to cultivate and harvest shellfish from the
21 leased area. Such lease or lease renewal shall prohibit the lessee from
22 entering a contract whereby the lessee agrees not to cultivate and
23 harvest shellfish for any period of time. No lessee may enter an
24 agreement with a third party that will prevent the lessee from carrying
25 out the lessee's obligations under the lease unless the Department of
26 Agriculture and the Attorney General have approved such agreement.
27 The form of such application and lease shall be approved by the
28 Attorney General, and all such leases shall be recorded in the records
29 of the commissioner. No lease shall be granted to a resident of a state
30 which does not lease shellfish grounds to residents of this state, except
31 that any nonresident who was granted a lease on or before October 1,
32 1985, may, upon the expiration of such lease, apply for a renewal or
33 further lease as provided in this section. The commissioner shall grant
34 any such lease to nonresidents upon the same terms and conditions as
35 to residents of this state. Any lessee or holder of shellfish grounds, on
36 the expiration of any lease thereof which has been or which may be
37 granted, having fulfilled all of such lessee's or holder's obligations
38 under the lease shall, upon application to the commissioner, have
39 preference in the reletting of such ground for a like term to that
40 granted in the original lease, excluding the rental fee, which shall not
41 be less than the minimum fee per acre as provided in this subsection. A
42 lease renewal shall not be granted if the applicant is in arrears for rent
43 on the original lease of such grounds. Such application for such
44 renewal or further lease shall be granted without notice or
45 advertisement of the pendency thereof; provided no renewal or further
46 lease of such ground shall be granted when the commissioner, for
47 cause, ceases to lease such ground for shellfish culture. All
48 assignments or transfers of leases shall be subject to the approval of the

49 commissioner and shall be recorded in his records. Any person who
50 interferes with, annoys or molests another in the enjoyment of any
51 lease authorized by the provisions of this section shall be subject to the
52 penalties provided in section 26-237. The provisions of sections 26-212,
53 26-215 and 26-232 shall not apply to any shellfish grounds leased
54 pursuant to the provisions of this section.

55 Sec. 2. (NEW) (*Effective October 1, 2018*) Notwithstanding any
56 provision of the general statutes, the Commissioner of Agriculture,
57 after consultation with the Commissioner of Energy and
58 Environmental Protection, may designate not more than two suitable
59 shellfish parcels for use by one or more nonprofit educational
60 organizations for the purpose of developing an aquaculture site for an
61 environmental education curriculum. No such parcel shall be
62 designated to another person or entity or shared with another person
63 or entity and any such parcel shall not be more than one-half acre in
64 total area.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	26-194(a)
Sec. 2	<i>October 1, 2018</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires the Department of Agriculture (DoAg) to adopt shellfish leasing regulations. This has no fiscal impact as the agency currently has expertise for this purpose.

The bill also allows DoAg to designate up to two suitable shellfish beds for use by certain nonprofit educational organizations. Currently, the Commissioner already designates shellfish areas to regional agricultural science and technology education centers at no cost. As this codifies current practice, there is no fiscal impact.

In FY 17, there was \$670,230 collected from shellfish leases and franchises.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5359*****AN ACT CONCERNING SHELLFISH LEASES AND DESIGNATED SHELLFISH PARCELS FOR THE DEVELOPMENT OF AN ENVIRONMENTAL EDUCATION CURRICULUM.*****SUMMARY**

This bill requires, instead of allows, the agriculture commissioner to adopt regulations concerning shellfish leases in accordance with the Uniform Administrative Procedure Act. By law, the commissioner may lease state shellfish beds to the highest responsible bidder for up to a 10-year term, at a minimum of \$4 per acre, and the attorney general must approve the lease form.

The bill also allows the agriculture commissioner, after consulting with the energy and environmental protection commissioner, to designate up to two suitable shellfish parcels for use by one or more nonprofit educational organizations. The organizations must use the parcels to develop an aquaculture site for an environmental education curriculum. A parcel cannot be (1) designated to or shared with another person or entity and (2) more than one-half acre in total area.

By law, the commissioner may designate shellfish areas to regional agricultural science and technology education centers for conducting educational activities. The areas cannot be (1) greater than 50 acres each of restricted relay grow-out beds and approved harvest beds and (2) in production when designated (CGS § 26-194(e)).

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/22/2018)